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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,477	06/29/2001	Keiji Minetani	010781	5295

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EXAMINER

LEWIS, MONICA

ART UNIT

PAPER NUMBER

2822

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. ..

09/893,477

Applicant(s)

MINETANI, KEIJI

Examiner

Monica Lewis

Art Unit

2822

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 24 June 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 29 June 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed June 24, 2002.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 7, 8 and 11 are rejected under 35 U.S.C. 103(a) as obvious over Saito (U.S. Patent No. 5,773,853) in view of Applicant's Prior Art Drawings.

In regards to claim 1, Saito discloses the following:

- a substrate (21) formed of a first compound semiconductor (See Figure 4b);
- b) a graded channel layer (23) formed on the substrate, and formed of a second compound semiconductor layer of which an energy band gap is made narrower inside than both ends by positioning a peak of a distribution of one constituent element into the inside and by continuously changing a ratio of the one constituent element in a thickness direction and dosed with an impurity (See Figure 4b);
- c) a barrier layer (24) formed on the graded channel layer (See Figure 4b); and
- d) a source electrode (S2) and a drain electrode (D2) formed both sides of the gate electrode (G2) to flow a current into the graded channel layer.

In regards to claim 1, Saito fails to disclose the following:

- a) a gate electrode formed on the barrier layer to come into Schottky-contact with the barrier layer.

However, Applicant's Prior Art Drawings discloses a semiconductor device where the gate electrode is formed on the barrier layer (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

semiconductor device of Saito to include a gate electrode formed on the barrier layer as disclosed in Applicant's Prior Art Drawings to aid in increasing the speed of the device.

In regards to claim 2, Saito fails to disclose the following:

a) the second compound semiconductor layer is composed of a material that one constituent element is added in the first compound semiconductor and the one constituent element has a function which makes the energy band gap of the second compound semiconductor layer narrower than that of the first compound semiconductor.

Although, Saito does not specifically disclose the limitations listed above. It would have been obvious that the second compound layer would have the characteristics stated above because both layers are made of $\text{In}_y\text{Ga}_{1-y}\text{As}$.

In regards to claim 3, Saito fails to disclose the following:

a) a peak of the one constituent element in the graded channel layer is positioned at a center of a layer thickness of the graded channel layer, or positioned at a position that is deviated from the center.

Although, Saito does not specifically disclose the limitations listed above. It would have been obvious that the graded channel layer would have the characteristics stated above because both layers are made of $\text{In}_y\text{Ga}_{1-y}\text{As}$.

In regards to claim 4, Saito fails to disclose the following:

a) a peak of carrier density in the graded channel layer is positioned at a center of a layer thickness of the graded channel layer, or deviates from the center.

Although, Saito does not specifically disclose the limitations listed above. It would have been obvious that the graded channel layer would have the characteristics stated above because both layers are made of $\text{In}_y\text{Ga}_{1-y}\text{As}$.

In regards to claim 5, Saito fails to disclose the following:

a) a peak of carrier density in the graded channel layer sifts to the substrate side from a center of a layer thickness of the graded channel layer.

Although, Saito does not specifically disclose the limitations listed above. It would have been obvious that the graded channel layer would have the characteristics stated above because both layers are made of $In_yGa_{1-y}As$.

In regards to claim 7, Saito discloses the following:

a) a buffer layer (22) is formed between the substrate and the graded channel layer (See Figure 4b).

In regards to claim 8, Saito discloses the following:

a) the first compound semiconductor constituting the substrate is GaAs, and the second compound semiconductor layer constituting the graded channel layer is InGaAs, and the one constituent element contained in the second compound semiconductor layer is indium (See Figure 4b).

In regards to claim 11, Saito discloses the following:

a) second compound semiconductor layer (23) is consisted of a ternary or quaternary of group III-V semiconductor including at least one of gallium and indium as group III element and including at least one arsenic, phosphorus, and antimony as group V element (See Figure 4b).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as obvious over Saito (U.S. Patent No. 5,773,853) in view of Applicant's Prior Art Drawings and Nakanishi (U.S. Patent No. 5,477,066).

In regards to claim 6, Saito fails to disclose the following:

a) contact layers are formed between the source electrode and the barrier layer and between the drain electrode and the barrier layer respectively.

However, Nakanishi discloses a semiconductor device which has a contact layer formed between the source and drain (See Figure 74 and Column 1 Lines 57-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Saito to include a contact layer as disclosed in Nakanishi to aid in increasing the speed of the device.

5. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as obvious over Saito (U.S. Patent No. 5,773,853) in view of Applicant's Prior Art Drawings and Kuroda et al. (U.S. Patent No. 5,837,565).

In regards to claim 9, Saito discloses the following:

a) first compound semiconductor constituting the substrate is GaAs (See Figure 4b).

In regards to claim 9, Saito fails to disclose the following:

a) second compound semiconductor layer constituting the graded channel layer is GaAsSb or InGaSb, and the one constituent element contained in the second compound semiconductor layer is indium or antimony.

However, Kuroda et al. ("Kuroda") discloses a semiconductor device which has a layer composed of GaAsSb (See Column 4 Lines 66-67 and Column 5 Lines 1-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Saito to include a layer composed of GaAsSb as disclosed in Kuroda to aid in increasing the speed of the device.

In regards to claim 10, Saito discloses the following:

a) the first compound semiconductor constituting the substrate is InP (11).

In regards to claim 10, Saito fails to disclose the following:

a) second compound semiconductor layer constituting the graded channel layer is InAsP or GaAsSb or InPSb, and one constituent element contained in the second compound semiconductor layer is indium or antimony.

However, Kuroda discloses a semiconductor device which has a layer composed of GaAsSb (See Column 4 Lines 66-67 and Column 5 Lines 1-5). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the semiconductor device of Saito to include a layer composed of GaAsSb as disclosed in Kuroda to aid in increasing the speed of the device.

Response to Arguments

6. Applicant's arguments filed June 24, 2002 have been fully considered but they are not persuasive. It is argued that Saito does not disclose "that the making the peak of the distribution of one constituent element exist in the inside (except both ends) of a layer so that an energy band gap becomes the narrower in the inside of a layer in the graded channel layer." Applicant states that Saito discloses that a "peak of distribution of In will exist in an end portion of a surface side of the GaAs/InGaAs layer (25) from the above the description." However, it is not clear as to how Applicant came to the conclusion that In exist in the end portion based on column 7 lines 30-40.

Applicant has not presented evidence that In will exist in the end. Therefore, the arguments as indicated above are not deemed persuasive.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monica Lewis whose telephone number is 703-305-3743. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Whitehead, Jr. can be reached on 703-308-4940. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7722 for regular and after final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

ML
August 30, 2002


CARL WHITEHEAD, JR.
SUPERVISORY PATENT EXAMINER
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